

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NOTICE OF REMOVAL

COMES NOW, Defendant CompuMed, Inc. by and through the undersigned counsel, and for its Notice of Removal, states as follows:

1. On January 23, 2017, Plaintiff filed its Petition in the Circuit Court of St. Louis County, State of Missouri. A copy of the court file for cause number 17SL-CC00292 is attached hereto and incorporated herein as Exhibit A.
2. On February 7, 2017, a copy of the Petition was served on Defendant.
3. Defendant, CompuMed Inc., hereby removes this action from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. § 1331, § 1441 and § 1446.
4. This removal is founded upon federal question jurisdiction under 28 U.S.C. § 1331 and the United States Supreme Court decision in *Mims v. Arrow Financial Services*, 566 U.S. 368 (2012), which conclusively established that this Court now has federal question jurisdiction under 28 U.S.C. § 1331 over private actions, like this one, brought under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227.

5. Pursuant to 28 U.S.C. 1367(a), the Court has supplemental jurisdiction over Counts II, III, and IV, which assert claims for declaratory relief, conversion, and violation of the Missouri Consumer Fraud and Deceptive Business Practices Act.

6. Under 28 U.S.C. § 1446(b), a notice of removal is timely filed “within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading.” Here, Defendant was served with Plaintiff’s Petition on February 7, 2017. Therefore, this Notice of Removal has been timely filed within the required thirty (30) days.

7. Removal to this Court is proper pursuant to 28 U.S.C. § 1446(a), in that the action was filed in the Circuit Court of St. Louis County, Missouri, which is within this District.

8. Defendant, simultaneously with the filing of this Notice of Removal, has given written notice of filing of this Notice of Removal to Plaintiff, and will file a copy of the Notice of Removal with the Clerk of the Court of St. Louis County, State of Missouri.

WHEREFORE, Defendant, CompuMed Inc., hereby requests that the above mentioned state court action be removed from the Circuit Court of St. Louis, Missouri, to the United States District Court for the Eastern District of Missouri, and that this Court accept jurisdiction of the case.

Respectfully Submitted,

BROWN & JAMES, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served, via the court's electronic filing system, this 6th day of February, 2017 to:

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/s/Timothy J. Wolf

CERTIFICATION UNDER RULE 55.03(A)

Pursuant to Rule 55.03(a), the undersigned certifies that he/she signed an original of this pleading and that an original of this pleading shall be maintained for a period of not less than the maximum allowable time to complete the appellate process.

/s/Timothy J. Wolf

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